

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**3:14-CR-00128-01-BRW**

**JEFF CEPHUS MCCOY, JR (01)**

**ORDER**

Defendant's Motion to Abate by Death (Doc. No. 175) is DENIED.

Defendant pled guilty in March 2017, and he was sentenced to 36 months imprisonment on June 27, 2017. He also was ordered to pay \$913,595.00 in restitution, joint and severally with his co-defendant. The Judgment was entered on July 19, 2017.<sup>1</sup> Defendant did not appeal his conviction.

"Where a defendant in a criminal case dies while the case is pending on direct appeal, the case abates and the action must be remanded to the district court to dismiss the indictment."<sup>2</sup> However, this case was not pending on direct appeal, because Defendant never appealed his conviction.

IT IS SO ORDERED this 2nd day of January, 2018.

/s/ Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Doc. No. 166.

<sup>2</sup>*United States v. Wilcox*, 783 F.2d 44, 44 (6th Cir. 1986).